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The Middle States and the Embargo of 1808

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Toward the embargo, as toward many other issues, the Middle States assumed a median attitude. The line between approval and opposition was not fast drawn. Lying at the heart of the older Union, the Middle States had sympathies common to both their Northern and their Southern neighbors, as well as interests peculiarly their own. Thus their mercantile marine was a link with New England, while their staple crops were a bond with the South. At the same time manufacturers already possessed a foothold which made the Middle States the natural beneficiary of the stimulus which the embargo itself was to bring.

In respect to a marine and to staple crops, New York was typical of the section. To the extent of her great shipping interest, her sympathies lay naturally with New England. On her long Canadian boundary, moreover, the natural temptations to smuggling were multiplied by British inducements to evade the embargo. In addition, she was loath as any Southern state to pile up successive crops against a market day which might never come. But these discouragements were compensated by the advantage, first, of rescuing her shipping, and then of harvesting such gains as growing manufactures might offer. A strong party machine exercised a steadying influence, and DeWitt Clinton, Democratic boss of the State of New York, though not a devotee of the Virginia dynasty, was not the man to split his party by an open break with the national leaders.

Economic distress was, however, immediate. Early in January Moss Kent wrote to his famous brother, Chancellor Kent, from Champion in the western part of the State, that "this part of the country begin to feel the embarrassing effects of the embargo. It has destroyed the market for their produce, particularly pot and pearl ashes which is their principal dependence. In case of a war with Great Britain I cal-

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culate on emigrating towards the Hudson as my services will not, probably, be wanted in this part of the frontier."[1]

But the same general region of Western New York sponsored the most contradictory declarations as to the effect of the embargo. A petition from Ontario County dated October 10, 1808, and signed by 1,365 names laments that "in no branch of agricultural pursuit do we find our customary profits," and grieves that the bustling industry of a pioneer community was giving place to "a constrained and sullen inactivity" rendered in no way more endurable by numerous evidences of a sudden prosperity across the Canadian line.[2] Yet in face of this well considered statement of grievances in Ontario, a correspondent of Jefferson could write from the neighboring county of Niagara that "* * * with respect to the embargo little difference of opinion exists in this quarter. With few exceptions, it is considered, both as to its origin and duration the wisest measure, which the administration under past and present circumstances could have resorted and adhered to."

The more optimistic view prevailed at Albany, for the state senate, on the 31st of January, 1809, passed a resolution condemning the "* * * most unremitted and reprehensible attempts which are making with uncommon industry and malignity and by every art of misrepresentation to enfeeble and destroy the exertions of the general government in vindicating our national rights and honor by endeavoring to alienate the affections of the people by opposing the authority of the laws and by menacing a dismemberment of the Union." The legislature declared itself "fully satisfied that the conduct of the national government has been calculated to secure the resources to preserve the peace to maintain the honor and to promote the interests of this country."[4]

Wherever the balance lies between these conflicting opinions, and it must be admitted that the pessimists had probably the weight of argument, there was at least some com-

[1] James Kent Papers, Library of Congress. Vol. III. Moss Kent to Chancellor Kent, Champion, N. Y., Jan. 10, 1808.

[2] Petition of Ontario County, N. Y., to the U. S. Congress, Oct. 10, 1808.

[3] Jeffersonian MSS., Library of Congress. Jan. 26, 1809.

[4] *Ibid.* State of New York Senate, Jan. 31, 1809.

pensation in an awakening manufactures. In a season when opponents of Jefferson and his policies could see no ray of cheer, the pew holders of St. George's Chapel, in New York, were sufficiently prosperous to install a $5,000 organ built by the Messrs. Geibs, of their own city, who, it may be added, had "just completed a very elegant and splendid organ which is now erected at Salem in Dr. Barnard's house of worship."[5] The clothing industry was encouraged by premiums on the introduction of merino sheep.[6] And the raw products thus favored by legislative bounty need not go to Connecticut for manufacture in Col. Humphrey's mills, as there was at Poughkeepsie a plant, less extensive to be sure than the colonel's, which manufactured an article of similar quality running in value to eight dollars a yard.[7] Some activity was manifest in the iron mines of Northern New York. And similar progress was noted in tin manufactures, one entrepreneur in the latter urging his claim to patronage on the basis that "as every citizen, who by his genius and industry, aids in perpetuating the independence of his country, has a claim on the community for their patronage, the subscriber presumes that the liberality of his fellow citizens will enable him to persevere in his present undertakings."[9]

While the embargo was modifying the economic life of the people, the politicians were not idle. Jefferson no sooner made known his intention to retire into private life than the question of succession stirred New Yorkers into potential opposition to the Virginia Dynasty. Of this movement Governor Clinton was the natural leader,[10] and James Cheetham its chief spokesman. But even Federalists, who would have rejoiced at schism, doubted its likelihood,[11] for only the closest unity among New Yorkers would have withstood the Virginia machine, and unity was conspicuously lacking. 'As

[5] *"The Repertory"* (Boston), June 17, 1808.

[6] *Ontario Repository,* quoted by *Federal Gazette* and Baltimore *Daily Advertiser.*

[7] *The Diary of Daniel Mulford.* Poughkeepsie, Sept. 3, 1808.

[8] *The Repertory* (Boston). Sept. 27, 1808.

[9] *The Public Advertiser.* New York, April 25, 1808.

[10] Wilson Cary Nicholas Papers. Library of Congress. J. Nicholas to W. C. Nicholas. Albany, Feb., 1808. "I think there is little doubt that the ruling party here [N. Y.] expect something to grow out of inconveniences of the embargo favorable to them". etc.

[11] *The Balance.* Hudson, New York, Jan. 5, 1808.

Chancellor Kent reminded his brother in July, 1808: "The news from New York is that the Democrats are all by the ears. Cheetham has been publicly denounced by two ward general meetings and DeWitt Clinton goes down with him."[12] The following philippic against Cheetham bears witness to Republican discord in a manner leaving little to the imagination. "*James Cheetham.* This is the *wretch* who has the unblushing impudence to speak of himself as a man of character, of gentlemanly deportment, &c. This same being, who on the files of his own paper stands recorded as an *unprincipled calumniator,* a *registered liar, libeller* and *assassin* of private character." From this rather mild beginning, the attack warms to some heat, reminding the reader of "how lost, even to the honors of the *halter* and the *gibbet,* must the man be, who does not stand, in the estimation of the public, in point of character, at least, upon a level with James Cheetham."[13]

But if there were quarrels among the Republicans, and if the Clintons showed no reluctance to capitalize for their own benefit the unpopularity of Virginia measures, the party nevertheless retained sufficient cohesion to preserve its local ascendancy. The governor of the State undertook personally to refute the charge that the embargo represented a submission to French influence.[14] And the Republicans of the county and city of New York adopted strong resolutions approving the embargo and promising aid in its enforcement.[15] The New York Republicans united in an appeal "to the Republicans of the United States" to hold together, and declared their unbounded indignation over the tactics of the opposition, serving as they did only to increase the obstinacy of the belligerents and to hinder the success of our own diplomacy.[16]

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[12] James Kent Papers, Library of Congress, Vol. III. Chancellor Kent to his brother. Albany, July 7, 1808.

[13] *The Public Advertiser.* New York, Aug. 6, 1808.

[14] *The Palladium.* Frankfort, Ky., April 7, 1808.

[15] *Ibid.* Oct. 20, 1808. This or a similar demonstration was referred to in Congress as proof of the loyalty of New York. *Annals of Congress,* xviii, p. 2078.

[16] *Ibid., i.e., The Palladium.* Oct. 27, 1808. Contrast this, however, with the petition of Third Ward Feb. 6, 1809, against interfering with transport of provisions and necessary supplies. *Annals of Congress,* xix, p. 1779.

Such solidarity as the Democracy was able to maintain was in face of much discontent among the people, especially the frontiersmen. And there were numerous violations of the embargo and much sympathy for offenders along the Canadian boundary. But discontent was not confined to these informal outlets, however disconcerting. Anti-embargo New Yorkers possessed in Barent Gardenier an intrepid spokesman, a veritable fire-eater. There was in the man a certain nobility of character, well displayed in a duel which his rabid utterances provoked. But in an age when duelling was rampant, this final test of his convictions was less remarkable than his very curious defense of Josiah Quincy for refusing to do what he himself had done. He shamed the southern leaders for baiting Quincy into a duel which Quincy's own moral code and that of Massachusetts forbade. In the courage to defend another for not fighting, Gardenier showed a finer spirit than in his own fearlessness on the field of honor. His own qualities, as well as the morbid political atmosphere of the times, are displayed in a speech which ascribed our entire foreign policy to French influence, an extreme example of the kind of suspicion which poisoned the early political controversies of America. "It does appear to me, sir, that we are led on, step by step, but by an unseen hand. We are urged forward by a sort of spell, to the ruin of our country." When Gardenier named Napoleon's as the unseen hand a tumult arose, but the speaker was allowed to proceed,[17] though not to escape the consequences of his zeal. He was challenged by George W. Campbell, of Tennessee, severely wounded, and for several weeks was an invalid. But he returned to his seat in Congress with ideas unchanged, their expression, however, a bit less wild. He talked thereafter less of foreign influence and more of domestic injuries, defending in particular the northern New Yorkers for their traffic with Canada.

The chief effect of Gardenier's outburst had been to eliminate him from the reckoning. His place was to some

[17] *Annals of Congress*, xvii., pp. 1652-1656.
[18] *Ibid.*, xviii, pp. 1705-1706.

extent taken by Josiah Masters, a man of similar views but less impetuous expression, who wished the embargo wholly removed before the adjournment of Congress in April. His remedy for maritime troubles was to arm the merchant vessels and let them give a good account of themselves. A show of force on our part would bring France and Great Britain both to their senses.[19]

This policy was not adopted, and when the New York delegates returned from the summer recess, they renewed their attacks with an hostility which seems excessive, in view of other evidences of sentiment in their state. Gardenier, once more in harness, declared that the embargo and non-importation acts were tantamount to war.[20] But when it came to a vote on *"Resolved, That the United States can not, without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain and France,*[21] he and William Hoge, of Pennsylvania, were the only negatives against 136 affirmatives. Perhaps the two were more sincere than the 136, for many of these warriors of the council chamber were soon to be voting for a submission which no disguise concealed.

When the administration asked Congress to put teeth in the embargo which would render evasion more difficult and dangerous, Josiah Masters commandeered a vengeance "which will hurl you down into that detestable and abominable place where the worm never dies and the fire is not quenched."[22] He credited the executive with good intentions at best, but not with wisdom, called the embargo and non-intercourse paper threats, and even insinuated, but with a caution inspired by Gardenier's recent experience, that America was a tool of France.[23] His caution was perhaps needless, for opposition to the embargo in December, 1808, and January, 1809, was less dangerous than once it had been. The heresy of one year was become the orthodoxy of the next, and Gardenier himself

[19] *Ibid.*, xviii. p. 2110.
[20] *Ibid.*, xix, p. 826
[21] *Ibid.*, xix, p. 853.
[22] *Ibid.*, xix, p. 938.
[23] *Ibid.*, xix, pp. 991-993.

was less of an outlaw. His was at best, however, a negative and destructive genius. For constructive statesmanship he seems to have shared the general aversion among Federalists at this period, but he liked to ferret out weak points in the government's position. When sentiment finally veered toward a repeal of the embargo and the substitution for it of non-intercourse with Great Britain and France only, Gardenier ridiculed a policy which rendered shipping precarious and then released the ships.[24] On this point he carried with him but two delegates from New York. The remaining thirteen voted with the majority in Congress for a submission which should preserve at least the semblance of dignity.

Less important than New York in every way, New Jersey took a less conspicuous position relative to the embargo. But the two states had one very striking resemblance in the fact that while both remained true to their essential Republicanism, and both upheld the state and national tickets of their party, each found its most eloquent spokesman in the party of the opposition. New Jersey's decision in the presidential election was correctly forecast early in the summer when a good Democrat of Trenton asserted that "our political prospect is, in this State as favorable as at any past period. The Republicans to a man, and many federalists, approve the embargo, and the correspondent measures. On the subject of the presidential election, there is no division of sentiment in the Republican party; all are decidedly for Madison."[25] But a letter in October announcing the victory admits that the contest was not easy. "I have just time to inform you, for the gratification of the Whigs of New York, and the dismay of the *Tories,* that REPUBLICANISM has completely triumphed in New Jersey, and that in both branches of the legislature, there will be a democratic majority. The *Tories* made a dreadful struggle, and we had to combat all the *federal lawyers, British pensioners* and agents; but thank God, the Whigs were as ready to oppose them now as in the American revolution." Of

[24] *Ibid.,* xix, pp. 1262-1263. Jan. 31, 1809.

[25] *The Universal Gazette.* Washington, D. C., July 14, 1808. *Extract of a letter dated Trenton, N. J.*

fifty-three members in the legislature, the Whigs secured a majority of seven.[26]

Much of the local color in a campaign which led to this result is imbedded in some rather spirited doggerel which originally graced the pages of the *Trenton True American.*

THE EMBARGO

There's knaves and fools, and dupes and tools,
Debas'd enough to argue,
That every ill the people feel,
Is owing to The Embargo.

Does some loose tongue, like a clapper hung,
Delight in constant dinging,
The Embargo well supplies the bell
Against which to be ringing.

Do party men incline to pen
A false and foolish farr'go,
No other themes so fruitful seem
As *"Jefferson's d——d Embargo."*

To pelf and power would villians soar,
Mid uproar and confusion;
With hearts well pleas'd, the Embargo seiz'd
To work the dire delusion.

Should Hessian fly our wheat destroy,
Or granaries crawl with weevil,
The Embargo's curst in language worst,
As source of all the evil.

Does wind or wave or watery grave
Consign ship crew and cargo,
'Tis chance but some in visage grum,
Ascribe it to *the Embargo."*

Does cold or heat, or drought or wet,
Work hay or harvest's ruin,
'Tis made appear as noon-day clear,
'Tis all *the Embargo's doing.*

[26] *The Public Advertiser.* New York, Oct. 18, 1808. *To the Editors,* Newark, Oct. 18, 1808.

Or should our crops exceed our hopes,
Right round about they dare go,
And in a trice, the lessen'd price
Is charged upon *the* Embargo.

Should boat or ship lose tide or trip
By gale, or ice, or freshet,
The Embargo 'tis, puts all amiss,
And merrily they curse it.

Do vermin bold on trees lay hold,
And make their limbs quite bare go,
'Tis ten to one the mischief done
Is saddled on *the* Embargo.

Has drunken swab or idle drab,
Become forlorn and needy,
Both he and she will find a plea,
"Embargo," always ready.

Is buck or blade bankrupt in trade,
By sloth or vice or folly,
He's not to blame—the fault and shame
Rests on *the Embargo* wholly.

Does some vile knave, his cash to save,
Pay all his debts with paper;
"The Embargo laws" are made the cause,
And loud he'd rant and vapor.

But though such knaves and fools and slaves
Paint it a frightful scare-crow,
The good and wise their arts despise,
And cling to *the Embargo.*

They know it keeps from pirate's grips,
Our vessels, crews and cargoes;
Which were they lost, would much more cost
Than half a score Embargoes.

They know that this most punishes
The nations that oppress us;
While it involves our injur'd selves
In least and few'st distresses.

They know that that would cost us more
Monthly than this does yearly;
While every blow some blood must flow
From kin or friends lov'd dearly.

Then let who will, to work our ill,
Against it lie and argue;
Columbia's sons, in loudest tones
Will laud THE WISE EMBARGO.

—*"Jersey Blue."*[27]

The jaded muse may well have winced at verses such as these. But when sung, as recommended, to "Yankee Doodle," "Moggy Lawder," or the "Vicar of Bray," they no doubt aided the chorus to fight the good fight and keep the faith. The more solid opinion of New Jersey found its expression in the debates of Congress. In James Sloan the State was represented by a man of wit; in Henry Southard, by a man of sense. Sloan's first sally upon the embargo question was in reply to Key, of Maryland. Key had been pouring forth at endless length a most lugubrious picture of the sad fate of his constituents. Sloan reduced it to an epigram. "I discovered only this solid argument in all he said: that the constituents of some gentlemen have power to evade the law, while his have not."[28]

Sloan took a higher flight when he attempted an allegory along the lines of Josiah Quincey's famous parable of the young man and the birds of paradise. Sloan's *dramatis personae* were an orchard and some pruners, Congress being the latter; the country, the former. "* * * suppose I employ a man a number of days to regulate my orchard, do I authorize him to cut it down? Certainly not. There is a power given to commissioners of this city to regulate the markets; have they, therefore, a right to prohibit them? I contend not; they are appointed to keep them in order and improve them."[29] Similarly, Congress was created to regulate

[27] *The Independent Chronicle.* Boston, Oct. 27, 1808. Quoting from *The Trenton True American.*

[28] *Annals of Congress,* xviii, p. 2126.

[29] *Ibid.,* xix, pp. 572-573.

and cherish, not to destroy. Yet the embargo was proving the great destroyer. And though Sloan voted for it twice, he could not stomach its third and revised version.[30]

Once converted to the opposition, Sloan advanced right into the enemy lines and tackled the general himself. Jefferson in his long career had written much which he doubtless believed at the time, but which could hardly be expected to fit all occasions. And Sloan dragged forth the "Notes on Virginia," written in the eighteenth century, to show that Jefferson ought to be acting on its principles in the nineteenth.[31] The method was clever, but hardly fair.

With much less pretense of rhetoric, but more of optimism and constructive thinking, Southard called attention to the good which the embargo had already accomplished, to the infant industries it had established, now "rapidly progressing to perfection," and to the probability that it would have accomplished its whole purpose in six months if the American people had given it loyal support. But this they had withheld, and in Southard's judgment it would not pay to prolong the experiment. He even preferred March to June as the date for its repeal.[32] It was men like Southard, friends of the embargo, not its enemies, who finally sealed its doom.

Among the Middle States, Delaware was the most hostile to the embargo. There was, of course, within the state a democratic faction, and "a very numerous and respectable Meeting of the Democratic-Republican Citizens of New Castle County" drew up as late as September 3, 1808, resolutions highly laudatory of the embargo.[33] The faithful at Wilmington even went so far, in February, 1809, as to assure Thomas Jefferson that "had such honorable generous principles [as theirs] universally predominated the shackles imposed upon our commerce would before this, we believe, have been removed, and peace and prosperity would again have resumed their sway over our country."[34]

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[30] *Ibid.*, xix, p. 573.
[31] *Ibid.*, xix, p. 928. Dec. 27, 1808.
[32] *Ibid.*, xix, pp. 1307-1308.
[33] *Broadsides.* Library of Congress, vol. 8.
[34] Jeffersonian MSS. Library of Congress. Wilmington, Delaware, Feb. 2, 1809.

Testimony such as this is offset, however, by an emphatic denunciation of the embargo signed by 456 citizens of Smyrna and its vicinity, prepared after the law had been in effect over a year, as well as by the more significant fact that the entire delegation from Delaware consistently opposed the embargo in Congress.[35] Senator White opposed the original act of embargo.[36] His colleague, Bayard, joined him in opposing the various amendments designed to render it effective.[37] And in the House, Van Dyke, the sole delegate from Delaware, was too hostile to any sort of restriction even to vote for the act which repealed the embargo. Delaware was a commercial center and a stronghold of Federalism. She could not anticipate the boom in manufactures which was to compensate her neighbor of Pennsylvania for present sufferings, but she did realize that the embargo was a God-send to Federalism, which had been perishing for a real issue with the Republicans. Delaware was the little man with the one idea. Pennsylvania was too rich and varied to be so confined.

Even as the Middle States were the pivot for the entire seaboard, so their own key-stone was the state of Pennsylvania. As the Middle States decided, so went the Union. Theirs was the balance of power between North and South. The balance within the balance belonged to Pennsylvania, and at the heart of Pennsylvania lay the decisive influence of Philadelphia. The conflict of sentiment in Philadelphia offers, therefore, an important clew to the sources of national action throughout the period of the embargo.

It is unfortunate, therefore, that at this point, full justice cannot be done to the part played by Pennsylvania in the embargo. But the reader who is interested will find a somewhat detailed discussion of this subject, more particularly as it concerned Philadelphia, in a separate study by the present writer, only the conclusions of which may here be summarized.[38]

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[35] *Ibid.* Petition from Smyrna, Delaware.

[36] *Annals of Congress,* xviii, p. 51. For hostile speeches by him, see also *Ibid.* xix, pp. 55 and 59.

[37] *Ibid.* xviii, p. 63.

[38] "Philadelphia and the Embargo of 1808," in *The Quarterly Journal of Economics.* Feb. 1921.

In so far as Philadelphia was rich and commercial, a proper nursery for Federalists, her merchants were necessarily hostile to the embargo. But their petitions against its enforcement proving unavailing, they shared in the general stagnation of trade; and save as they were individually able to recoup their fortunes by ventures outside their usual field, they and all the seamen whom they employed felt the pinch of the times.

But as commerce declined, manufactures rose, for in the very nature of things a measure so ruinous to the one was stimulating to the other. And nowhere was this stimulus more promptly felt than in Philadelphia. Testimony from the most respectable sources confirms the almost universal air of prosperity which pervaded the city, a final proof of its authenticity being the steadfast loyalty of both city and state to the Republican party and the leadership of Thomas Jefferson.

The administration found, in fact, a needed support at the hands of Pennsylvanians in Congress, who during many months sustained the embargo by substantial majorities, and did not yield to non-intercourse as a substitute until it was apparent that the cause of the embargo was hopeless. Thus economic prosperity encouraged political constancy, and served to hold in the Democratic household of faith a state whose defection would have been peculiarly embarrassing at a time when Federalism was regaining so much lost ground in New England.

Conditions in Maryland bore some striking resemblances to those in Pennsylvania, though in the aggregate they were probably less favorable. As in Pennsylvania, the impetus given to manufactures was marked. At the very outset, a committee headed by William Patterson, of Baltimore, invited all persons who possessed any knowledge of cotton or woolen manufactures to aid in turning this to practical account.[39] A considerable demand arose for shares in a company projected for the purpose.[40] The zeal for manu-

[39] *Republican Watch Tower.* New York, Jan. 8, 1808. From Baltimore, Jan. 2.
[40] *The Independent Chronicle.* Boston, Feb. 25, 1808.

factures extended to shoes.[41] Wool carding also came into its own.[42] And the foundations were laid for extensive enterprise.

How the commercial community of Maryland responded to the embargo is illustrated by two letters of William Patterson, written a little more than six months apart to Wilson Cary Nicholas, a Virginia delegate in Congress. In May he declared that "* * * every thinking man in the community be him [*sic*] Republican or Federalist sees and knows the propriety and necessity of the embargo, yet all will not give it their support and many will try to mislead the ignorant in order to give ground to the Federal party, it is very desirable that it should be continued until the powers at war shall feel the necessity of changing their conduct towards us, but I have my doubts and fears that the people of this country have not sufficient virtue and perseverance to wait this event—all the vessels belonging to my House have completed their voyages and are now in port to the number of twelve in all, most of the vessels in the East India trade have returned so that there is now very little American property at sea."[43]

It thus appears that by May, of 1808, Patterson and the great merchants of his class had already experienced whatever benefits the embargo had to offer. What followed was chiefly its burdens. And these drew from Patterson in December the complaint that "it is every day becoming more and more unpopular and if continued will bring about a revolution in the government and perhaps a Civil War, at any rate it must throw the government into the hands of the Federalists."[44] For an influential Democrat writing to one of his own party in Congress, Patterson makes the rather astonishing admission that "circumstanced as we are it is vain to talk of national honor for that has been sacrificed in too many instances

[41] *The Baltimore Evening Post*, May 7, 1808.

[42] *Federal Gazette* and *Baltimore Daily Advertiser*, Aug. 24, 1808. Inserted Aug. 12, 1808.

[43] W. C. Nicholas Papers, Library of Congress. Wm. Patterson to W. C. Nicholas, May 11, 1808.

[44] *Ibid.*, same to same. Dec. 1, 1808.

already and it is now too late to regain it. Unanimity and the safety of the country are now the great objects to be considered."[45]

Severe as this indictment appears, it is nevertheless the judgment of a friend. The real virus of mercantile opinion found vent in personal flings at Jefferson,[46] while extreme Federalists in Baltimore went even so far as to rejoice at threatening secession in New England. The following "communication" to a Baltimore newspaper indicates at least an attempt to feel out the position of Maryland Federalists with reference to such a contingency.

"The political intelligence from the great Atlantic States, if it do not warrant an entire confidence that the golden principles of FEDERALISM have revived in full vigor and health, at least instructs us that the fatal *Embargo law* threatens fearful ruin to the tottering cause of democracy. The good and powerful portion of the people are prepared constitutionally to rise up in their strength against the destructive policy of our rulers. Let *democracy*, and her treacherous hand-maid, *French Influence* stand aghast, brooding over their own iniquities. The guilty may escape retributive vengeance for a while, but Justice will overtake them yet. Though majestic in her mien, and bold in her approach, she will steal anon upon her trembling victim, and point with peculiar emphasis at the faithless friends of their country."[47]

But the most formidable expression of revolt was the declaration of the *Baltimore Federal Republican* concerning "Mr. Giles's Bill," in which the doctrines of the Virginia resolution were invoked to show that by exercising powers never delegated by the states, the federal government had dissolved the civil compact. The Giles Bill was a force bill, according to the *Republican,* and the government would do well to remember that "a law which is to be enforced at the

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[45] W. C. Nicholas Papers, Library of Congress. Wm. Patterson to W. C. Nicholas, Dec. 1, 1808.

[46] *The North American and Mercantile Daily Advertiser.* Baltimore, June 6, 1808. Quoting Jackson's *Marine Register* for June 3rd in a comment upon the failure of a single ship that day to enter or leave New York, Philadelphia or Baltimore. "We shall be consoled, however, for all this temporal privation, by lectures on the *"Revolt of Nations From the Empire of Morality"* by a PHILOSOPHER, who has not violated more than one-half of the Decalogue."

[47] *Ibid.*, May 16, 1808.

point of the bayonet will bring on a struggle which may terminate in the overthrow of the government. Our rulers are answerable for the issue."[48]

Maryland representatives in Congress were more sensitive to the commercial disadvantages of the embargo than to its manufacturing advantages. This was the more natural among men who, living outside of their state, could not witness in person the awakening in cotton, woolen, and other manufactures; while commercially they were well aware that Maryland was in a situation to bear the full brunt of the embargo. For unrestricted commerce her location was advantageous. But when the embargo sealed her front door, she had no back door for escape. Northern New England and New York had a Canadian outlet. Transalleghany and the Far South touched the Mississippi and Florida, with their lucrative possibilities for smuggling. It was quite otherwise with Maryland. And her isolation moved her to self pity.[49] Perhaps, though, a hundred per cent administration would have left no loop-hole for the 100,000 barrels of flour, which John Randolph declared with gusto were smuggled out of Baltimore.[50]

The argument for uniformity would have gained in dignity if clothed in an appeal for uniform self-sacrifice and patriotism. But Key reduced it to an absurdity by basing his opposition to the embargo on the inability of his constituents to evade it.[51]

Like Josiah Quincy, Key was an advocate of *laissez-faire*. He would allow the merchants to manage their own business, trusting them to impose a voluntary embargo whenever risks outran profits. And if the merchants themselves were not clever enough to determine this, the insurance companies would do it for them. "I would, therefore, confide to them the commerce of our country in the exportation of our pro-

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[48] *The Connecticut Courant.* Jan. 18, 1809. Quoting from the *Baltimore Federal Republican.*

[49] *Annals of Congress,* xviii; p. 1706. Philip B. Key: "Our laws should be uniform; at present large portions of our country have an outlet for commerce and the embargo law operates as a bounty to that part of the community at the expense of the remainder."

[50] *Ibid.*, xviii, p. 2239.

[51] *Ibid.*, xviii, p. 2119.

duce, unshackled by an embargo law."[52] He anticipated events by a year when, in despair of justice from either France or England, he recommended commerce only with the rest of the world.[53] But with a curious inconsistency, though he declared war to be preferable to embargo, he refused his vote to the act enabling Jefferson during the summer recess of Congress to suspend the operation of the embargo, subject to certain contingencies. "I cannot consent," said Key, "that the destinies of my country, that its laws shall be suspended on the will of any individual, however preëminent in virtue, dignified in station, or covered with the mantle of public opinion. The more his merit, the greater the danger."[54]

When Congress reconvened, Maryland spoke with more than one voice. S. Smith took the cheerful view that Liverpool would soon be clamoring for saner counsels in Britain. On our side, he declared that border smuggling was less extensive than it was rumored to be. Altogether, he bade the Senate be of good heart.[55] Key, however, continued in the voice of lamentation. Picturing the entire Union in a competition of suffering, he demanded the prize for Maryland. In this he represented commercial sentiment, for in Maryland, unlike Pennsylvania, commerce cast the deciding vote as against manufactures, which, however promising, were still immature. And that vote, whether expressed in the correspondence of William Patterson or the furious diatribes of the Federalist press, became increasingly hostile to the embargo.

In reaching this point of view, Maryland was in harmony with her sisters. With distinct individual differences as to the incidence of the embargo, the states of the Middle Group shared in varying degree the stimulus to manufactures and the demoralization of commerce imposed by the times. But collectively the burden of their experience impelled them to vote out the embargo, and to vote in its emasculated substitute of non-intercourse with Great Britain and France. In vain did friends of the embargo point to its deadly effect upon

[52] *Ibid.*, xviii, p. 2122.
[53] *Ibid.*, xviii, p. 2123.
[54] *Ibid.*, xviii, pp. 2124-2125.
[55] *Ibid.*, xix, pp. 147, 150, 159.

Great Britain.[56] In vain were smugglers and traitors held up to the execration of their fellow citizens.[57] Public opinion, which had sustained the embargo in its initial stages, and upheld it with tolerable firmness through nine months of increasing pressure, even to the enforcing act of January, 1809, finally succumbed. As the embargo grew more intolerable and its success appeared less certain, the pendulum swung from rigid government control to extreme individual freedom. And the readiest means was sought for restoring our commerce without too blatant a confession of defeat.

This drift in opinion the Middle States shared with their neighbors, and in the vote of February 27, 1809, which finally overthrew the embargo and replaced it by a non-intercourse act, the Middle States cast the following ballot: New York, 13 to 3 and 1 not voting; New Jersey, 5 to 0; Delaware, 0 to 1; Pennsylvania, 10 to 6 with 2 not voting; Maryland, 7 to 1. Ohio cast her single vote in the negative.[58]

The Middle States thus spoke decisively. Theirs was the balance of power. And without their suffrance, the embargo could not endure. One may regret, but not condemn their decision. The embargo was a sublime experiment carried out under impossible conditions. A stronger nationalism was needed if the country were to give the unanimous support essential to success. In Congress itself, a different type of statesmanship was required than what passed current in 1809. The practical politician governed then as now and made sad work of it. Yet in so far as the nation did uphold it, the embargo pointed toward a brighter world where wars should be no more. Viewed as a commercial device for rescuing shipping and humbling a foe, the embargo was sordid enough. Viewed as a substitute for war, it assumes the dignity of one of the most enlightened plans and consistent efforts ever directed toward world peace. But amid the losses and discomforts of the time, it was not easy to see or to keep the vision, and if the Middle States, like their sisters, failed at last to do so, they deserve more credit for what they did than censure for what they failed to do.

[56] *The Palladium.* Frankfort, Ky., Oct. 27, 1808.
[57] *Ibid.*, Aug. 18, 1808. Quoting *The National Intelligencer.*
[58] *Annals of Congress,* xix, p. 1541.

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